

REMARKS

Claims 1-36 are pending in the current application. Claims 1, 21, 28 and 36 are independent claims.

Allowed Claims

Applicant initially appreciates the Examiner's indication that claims 21-34 are allowed. Applicant further appreciates the Examiner's indication that claims 5-7 and 9-20 would be allowable if rewritten into independent form. Applicant respectfully submits that in view of the remarks below, all claims are allowable in their present form.

35 U.S.C. § 103 (a) Keskitalo and Yukitomo

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 103(a) in view of Keskitalo and Yukitomo. Applicant respectfully traverses this art grounds of rejection.

Keskitalo discloses a method for transmitting a pilot signal in a satellite radio system. Applicant initially agrees with the Examiner in that "Keskitalo fails to specifically disclose determining a resultant antenna radiation direction within the ranges for each of the antennas in the wireless network or segment thereof in which to transmit based on the measured signal parameters to achieve desired performance criteria" (Page 2 of the Office Action). However, the Examiner seeks to combine Keskitalo with Yukitomo. The Examiners alleges that Yukimoto discloses the above described deficiency of Keskitalo.

Yukitomo discloses an adaptive transmission diversity apparatus and adaptive transmission diversity method. Yukitomo discloses selecting a transmission radiation pattern based on a reception radiation pattern. By measuring characteristics of the direct and indirect waves of the reception radiation pattern, Yukitomo determines a transmission radiation pattern. Yukitomo appears to assume that received direct and indirect waves with a good reception quality designate a preferred transmission path. Thus, Yukimoto does not disclose varying antenna radiation directions, but rather simply discloses a receiver for receiving direct and indirect waves. Based on these incoming waves, the method of Yukimoto selects a transmission radiation direction. Thus, Yukimoto discloses selecting the transmission radiation direction based on a measurement of incoming waves only at a single receiver.

Yukimoto cannot disclose or suggest determining a direction in which to transmit based on measured signal parameters where the measured signal parameters are measured at a “plurality of measurement locations” as recited in independent claim 1.

In view of the above, Applicant respectfully submits that the combination of Yukimoto and Keskitalo cannot disclose or suggest measuring signal parameters “for a plurality of measurement locations” and determining a resultant antenna radiation direction in which to transmit “based on the measured signal parameters” as recited in independent claim 1.

As such, claims 2 and 4, dependent upon independent claim 1, are likewise allowable over Keskitalo and Yukimoto at least for the reasons given above with respect to independent claim 1.

For reasons discussed below, Applicant respectfully submits that the Examiner has supplied insufficient evidence in support of the motivation to combine Keskitalo and Yukimoto.

No Motivation to Combine

The Examiner alleges that “...it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Yukimoto’s determining means with Keskitalo’s antenna system in order to [achieve] an adaptive transmission diversity that detects radiation patterns of direct and indirect waves.” (page 3 of the Office Action). Applicant respectfully disagrees.

Applicant does not understand why one skilled in the art would combine Keskitalo’s method of transmitting a strobing pilot signal with Yukimoto’s method of determining a transmission direction based on a reception parameter. Specifically, Keskitalo discloses a method of outputting a pilot signal. The pilot signal is output irrespective of any received transmissions from a mobile subscriber. Thus, it is not clear why the Examiner believes that one skilled in the art would combine Yukimoto’s method of determining a single transmission direction based on a received parameter with Keskitalo’s method of outputting a strobing pilot signal which sweeps a cell area in multiple transmission directions.

Applicant respectfully submits that the Examiner is using impermissible hindsight reconstruction to reject the claims. The Examiner has used the present application as a blueprint, selected a prior art method of adjusting antenna radiation, and then searched other

prior art for the missing elements without identifying or discussing *any specific evidence of motivation to combine*, other than providing conclusory statements regarding the knowledge in the art, motivation and obviousness.

For at least this additional reason, Applicant respectfully submits that claims 1, 2 and 4 are allowable.

Applicant respectfully requests that the Examiner withdraws this art grounds of rejection.

35 U.S.C. § 103 (a) Keskitalo, Petri, and Yukimoto

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Keskitalo, Petri, and Yukimoto. Applicant respectfully traverses the art grounds of rejection.

Applicant respectfully submits that, for similar reasons as discussed above with respect to Keskitalo and Yukimoto, there is no motivation to combine Keskitalo and Yukimoto further with Petri. Further, even if one were to combine Keskitalo, Petri and Yukimoto, it is clear from a cursory review of Petri that Petri is insufficient in overcoming the deficiencies of Keskitalo and Yukimoto as discussed above with respect to independent claim 1.

As such, claim 3, dependent upon independent claim 1, is likewise allowable over Keskitalo, Petri and Yukimoto at least for the reasons given above with respect to independent claim 1.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103 (a) Keskitalo, Avidor and Yukimoto

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Keskitalo, Avidor, and Yukimoto. Applicant respectfully traverses the art grounds of rejection.

Applicant respectfully submits that, for similar reasons as discussed above with respect to Keskitalo and Yukimoto, there is no motivation to combine Keskitalo and Yukimoto further with Avidor. Further, even if one were to combine Keskitalo, Avidor and Yukimoto, it is clear from a cursory review of Avidor that Avidor is insufficient in overcoming the deficiencies of Keskitalo and Yukimoto as discussed above with respect to independent claim 1.

As such, claim 8, dependent upon independent claim 1, is likewise allowable over Keskitalo, Avidor and Yukimoto at least for the reasons given above with respect to independent claim 1.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Reconsideration and allowance of all pending claims is respectfully requested.

CONCLUSION

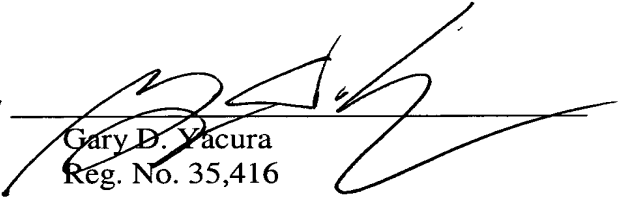
Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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